

Original filed 5/1/07

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHNDELL HENDERSON,)	No. C 05-0857 JF (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
M.S. EVANS, et. al.,)	
)	
Defendants.)	
_____)	

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against Salinas Valley State Prison officials. On October 5, 2006, the Court issued an Order to Show Cause to Plaintiff as to why the case should not be dismissed without prejudice for his failure to exhaust his administrative remedies. The Court notified Plaintiff that failure to file a response would result in the Court dismissing the instant complaint without prejudice. On October 13, 2006, the Court's order was returned by mail as undeliverable. As of the date of this order, Plaintiff has not communicated with the Court.

The Court may, without prejudice, dismiss a complaint or strike an answer when: (1) mail directed to the attorney or the pro se party by the court has been returned to the court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written

1 communication from the attorney or pro se party indicating a current address. See Civil L.R. 3-
2 11(b); see also Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988) (affirming dismissal with
3 prejudice of pro se prisoner's complaint for failing to notify court of his change of address
4 despite local rule providing that case be dismissed without prejudice because any lesser sanction
5 would impose affirmative obligation for district courts to track down pro se prisoners).

6 Accordingly, the instant action is DISMISSED without prejudice for Plaintiff's failure to
7 notify the Court of his current address and failure to prosecute pursuant to Rule 41(b) of the
8 Federal Rules of Civil Procedure. The Clerk shall terminate any pending motions and close the
9 file.

10 IT IS SO ORDERED.

11 DATED: 4/30/07


JEREMY FOGEL
United States District Judge

1 A copy of this ruling was mailed to the following:

2
3 Johndell Henderson
D-78769
4 Salinas Valley State Prison
P.O. Box 1050
5 Soledad, CA 93960-1050
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